STAND. COM. REP. NO. **3212** 

Honolulu, Hawaii

APR - 3 2006

RE: H.B. No. 2780

H.D. 1 S.D. 1

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred H.B. No. 2780, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS,"

begs leave to report as follows:

The purpose of this measure is to allow a person sentenced prior to July 1, 2004, for a first time drug offense pursuant to section 706-622.5, Hawaii Revised Statutes, who has completed a drug treatment program and complied with the terms set by the court, to apply for expungement of the record of conviction.

Your Committee received testimony in support of this measure from the Office of the Public Defender, the Community Alliance on Prisons, and one individual. The Department of the Prosecuting Attorney for the City and County of Honolulu submitted comments on this measure.

Your Committee finds that this measure is intended to correct a drafting error in Act 161, Session Laws of Hawaii 2002, which authorized an expungement of the record of arrest rather than an expungement of the record of conviction. This error was corrected by Act 44, Session Laws of Hawaii 2004, which authorized the expungement of the record of conviction but did so only prospectively from its effective date of July 1, 2004. This led to the inconsistent result of some defendants being permitted to expunge their record of conviction and others not being able to do

so. This measure is intended to permit those defendants sentenced prior to Act 44 to expunge their record of conviction.

Your Committee has amended this measure to make technical, nonsubstantive changes for clarity and style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2780, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2780, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Hawaiian Affairs,

COLLEEN HANABUSA, Chair

## The Senate Twenty-Third Legislature State of Hawaii

## Record of Votes of the Committee on Judiciary and Hawaiian Affairs (Bills and Resolutions)

Measure:* HB 2780 HD1	Committee Referral: JHW		Date: 3 - 21 - 06		
The committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:					
The Recommendation is to:					
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)					
Members		Ayes	Ayes(WR)	Nays	Excused
HANABUSA, Colleen (C)					
HEE, Clayton (VC)					
CHUN OAKLAND, Suzanne					
ENGLISH, J. Kalani					
IHARA, Jr., Les	Charles have a parent pressure of				
WHALEN, Paul					
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TOTAL		le	0	0	0
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:					
Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy					

<sup>\*</sup>Do <u>not</u> list more than one measure per Record of Votes.